

CHAPTER XXXVII.

IN THE POCKET OF THE COAT.  
THE Federal grand jury investigating the marine paint trust had completed its labors, and it was practically certain that old Vernon Corlett would be indicted. Moreover, it was well known that the Government intended to push the subsequent prosecution hard, with no mere fine as the result in view, but a term behind prison bars for this "malefactor of great wealth" in the event of a conviction.

Naturally, old man Corlett was feeling decidedly uncomfortable over the prospect, and his feelings were relieved only by the fact that his daughter seemed to regard the trust investigation as a matter of secondary importance. All her sympathy and interest were centered on the trivial preliminary hearing in an ordinary criminal case.

However, since the sessions of the grand jury are not open to the public, while a criminal hearing is, old Vernon, uneasy and restless, and having no place else to go, accompanied his daughter to the latter, and, though, as usual, his own affairs, it must be confessed he paid small attention to the proceedings. Like most everybody else, the millionaires had made up their minds that there are no surprises in store, and entertainment, whether in the form of a play, or a musical, has hard work holding its place.

Of course, there was a goodly crowd present in the courtroom when the attendants bellowed "Hats off!" and the judge appeared upon the bench, the prominence of the case, the prominence and the sensational character of the crime insured that, but as the examination went itself along in a dull, perfunctory routine, even the newspaper reporters began to show signs of unrest.

It was by Mordant's advice that the affair was made so devoid of thrills. "We've got to make the other side show its hand, my boy," he counseled, "and the way to do it is to take things easy and give them plenty of rope." Accordingly it was planned to enter no defense at this time, nor even to carry on any severe cross-examination, but rather to nurse the State's witnesses along, and try to decide how they might best be attacked when the real trial came off.

The testimony relating to the man who had left Central Park with a portmanteau in his hand, and taken an Eighth avenue car south, was given without comment or objection, and four witnesses allowed to swear that if Graham was not the person in question he certainly "foisted" him to a remarkable degree.

The crowd in attendance felt itself cheated by this tame and spiritless exhibition, and began to murmur almost audibly.

"What is Graham's lawyer about?" the whisperings ran from one to another. Did he intend to let his man go to the electric chair without even raising a finger to save him?

The result was a foregone conclusion to be sure; but nevertheless there was a general feeling that Graham's attorney was making but a poor showing. Perhaps some echo of this reached Mordant's ears.

That he had not tired of the minor part he was playing.

At any rate, he called into the next witness a man of the city of New York, although the poor fellow's testimony was of the most minor importance.

It was one of the detectives who had placed Robert under arrest, and Mordant fairly covered him with ridicule as he made up his mind to follow the route followed in chase of the suspect.

"Never occurred to you that the place

By CHARLES CAREY

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"A Woman to Win," "The Van Suyden Sapphires," Etc.

to look for a man might possibly be in his own office, did it?" he sneered. "So you can run all around Robin Hood's barn. Well, you are certainly a fine prototype of Shinto."

"And now about this wonderful find of a coat," he continued, "which you claim to have discovered in a closet, after coming outside had let you like a blind man to the office, and you and your partner had played turgur with the lock. Is this the coat?" holding it up to view.

"Yes, it is," snapped the man, red and wrathful.

"Ever have a coat like that yourself?"

"No."

"Any of your family ever have a coat like that?"

"No."

"Any of your friends?"

"No."

"Did you ever see a coat like that before?"

"No, no; not exactly. You see it's a sort of peculiar."

"Precisely. Now, cast your eyes at me a minute."

The man flushed redder than ever, and the courtroom broke into a roar; for it was plain to the most careless observer that the coat Mordant had on was a garment of very common pattern—the exact counterpart of the one on the table.

"You are willing to swear, then, that you took this coat to that office yourself, are you?" queried the lawyer.

"Yes, I am," the exasperated fellow was squaring into the trap, and again the audience howled.

"I guess," said Mordant, dryly, "you'd be willing to swear to anything. The witness is accused."

As he spoke he picked up the coat to place it on the table with the other witnesses along, and try to decide how they might best be attacked when the real trial came off.

Immediately the lawyer was on his feet. "If your honor please," he addressed the court, "we have found among these papers one which my client informs me is of the greatest importance in the matter pending before the Federal grand jury now in session. I therefore suggest that it be suitably marked for identification and sent to the United States district attorney without delay."

It reached its destination just five minutes before the grand jury were ready to rise, and when the indictments against Corlett were all drawn up and signed.

Each person, lulled to sleep by the drowsy atmosphere of the court room, slept on in his chair, oblivious to the fact that the man who had been narrow a margin he had been saved.

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for he had never dreamed it elsewhere than in Warwick's possession, and had believed it about as difficult to get hold of as the crown jewels of England. How he had obtained it, where, when, and from whom, were all alike shrouded in mystery, and to all such questions he could only shrug his head and return his blank, "I don't know."

Mordant showed manifest disappointment at the unsatisfactory answer, yet he was actually in the habit of not helping feeling cheered and encouraged by the discovery of the paper.

It was to his mind the first tangible proof that his client might be innocent; for he reasoned that if Robert during his four hours of mental lapse was engaged in tracing down and securing this evidence in the Corlett case, he could not very well at the same time have been committing the crime.

By a curious twist of logic, he believed it proved Graham to have been somewhere else with Hilda, whereas actually it proved the exact contrary.

"It won't do us any good in this extortion case, but it's a damned good clue," he exclaimed, in an exultant whisper, "and mark my words, it will show up to your big advantage in the regular trial."

"And now," he added, "I see the court is getting ready to resume, so I need wed better go ahead as we planned."

This plan, which had been previously agreed upon, was to let the prosecution show the hand of its cards as it could be made to, and then waiving the right of submitting a defense, permit the prisoner to come in for trial—a result which would come in the end.

"By this scheme, you see," explained Mordant, "we get on to all their weaknesses and had upon every advantage to get on to ours."

Robert had finally yielded to this procedure, although for a time he had urged, in order to offset the testimony in regard to the man with the portmanteau, that Frank Tarbo, the witness hunted up by the "unknown friend," should tell of having seen him on the Third avenue "L."

"No," objected Mordant, "it won't do it. It won't do it at all, I tell you. This story of Tarbo's is satisfactory to you personally, of course, but legally considered, it is only a piece of corroborative evidence which, as yet, doesn't corroborate anything. Besides, Tarbo is an attendant at your club, who knows you and has been in receipt of favors from you. If the other side gets wise to him now, they'll riddle him in the trial. No, my boy, keep your trumpets in reserve; you've got too few of them to be exposing them recklessly on the table."

Accordingly it had been so decided, and the rumor having got abroad that the defense would present no witnesses at this time, the crowd in the courtroom had dwindled to a more handful when the judge again mounted the bench and rapped for the case to be resumed.

"Call the next witness," he instructed, and turned expectantly toward the assistant district attorney.

"If your honor please," the prosecutor rose, "we think we have made out a most sufficient case upon which to hold this defendant, and shall call no more witnesses at this time. The State rests."

Mordant, with the court's eye upon him, was about to arise and announce similarity on behalf of his client that he, too, rested, when a messenger,

pushing up to him, thrust a note into his hand.

He gave a hurried glance at the contents, then turned to Graham.

"It's from your unknown friend," he explained, "and he says he must see me without fail outside in the corridor at once. Shall I sign it?"

"By all means," urged Robert. "I've got lots of faith in that chap; he's a hawkeye, and at some of his ungracious permission from the bench, Mordant grabbed his hat and hurried out.

When he came back his face was a study, but whether from doubt or bad news it was impossible to tell. Nor did he have an opportunity to consult with Robert in regard to the note, for the court, who was fidgeting impatiently to be gone, addressed him in a sharp, imperative summons the moment he entered the room.

Mordant hesitated, glanced uncertainly toward his client, cleared his throat at a preliminary cough or two, and began:

"If your honor please," he said, "it has been my intention to introduce evidence at this time; but, simply to appear here as a matter of form, hear what the State had to submit, and accept whatever ruling your honor might see fit to impose."

"At the last moment, however," he said, "I have decided to assert my client's rights, and present for your honor's scrutiny what I believe to be a most important piece of evidence in the case."

The court frowned and moved impatiently toward the bench. Judges do not like to hear arguments prepared on a moment's notice, and, besides, this particular one had an engagement for dinner that evening, and wanted to get away.

"Are you sure you are wise?" he questioned significantly, as Mordant bowed with unabashed resolution. "Well, then, don't you think we had better adjourn until tomorrow?"

"For I have but little to say, and I promise your honor that little shall be very brief."

With a deep sigh, Mordant accepted acquiescence. Therefore, he took off his glasses, leaned back in his chair with a bored look, and curtly signaled the lawyer to proceed.

"The State and the newspapers," said Mordant, with fine sarcasm, "have presented to your honor a most interesting and to the minutest detail, admirable in every way—as a piece of fiction."

He then, in order to offset the testimony in regard to the man with the portmanteau, that Frank Tarbo, the witness hunted up by the "unknown friend," should tell of having seen him on the Third avenue "L."

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